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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,301	11/24/1999	HIROSHI YAMAGUCHI	1110-0258P	4884

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EXAMINER

DO, ANH HONG

ART UNIT PAPER NUMBER

2624

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/448,301

Applicant(s)

YAMAGUCHI, HIROSHI

Examiner

ANH H. DO

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,14-16 and 19-26 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 7-13,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/21/2006 have been fully considered but they are not persuasive.

In response to the Applicant's argument that the Funamoto reference is disqualified as prior art against the present application under 35 U.S.C. 103(c), it should be noted that CREATE Act 2004 redesignated the former 35 U.S.C. 103(c) to 35 U.S.C. 103(c)(1) and made this provision effective to all applications in which the patent is granted on or after December 10, 2004, including applications filed prior to November 29, 1999 (see MPEP 706(02)(I)(1)). The Funamoto reference was filed on August 6, 1997 and issued as a Patent on June 8, 1999, which is before December 10, 2004. Thus, this reference is not affected by 35 U.S.C. 103(c)(1) or even 35 U.S.C. 103(c) since the latter is only applied to patent applications filed on or after November 29, 1999.

Furthermore, the priority document JPO 10-333602 cannot antedate the Funamoto reference because it was issued on 11/25/1998 while the filing date of the Funamoto reference is 8/6/1997.

Therefore, the Funamoto reference should be qualified as prior art against the present invention, and the rejection to the claims is proper.

For the foregoing reason, it is believed that the rejection should be sustained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 5, 7-10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (U.S. Patent No. 5,940,824) in view of Funamoto et al. (U.S. Patent No. 5,911,006).

Regarding claim 1, Takahashi discloses:

- a storage device for storing compressed image data, said storage device including the image database (Fig. 1: main image file D4);
- a retrieval device for retrieving said image while said compressed image data is in a compressed state (Fig. 1: search unit 12);
- a compression device for compressing image data to produce said compressed image data (Fig. 1: compression processing unit 15).

Takahashi does not specifically teach normalization of the image data prior to compression of said image data. One skilled in the art would have clearly recognized that the Takahashi system is to reduce the volume data used in data retrieval when desired data to be retrieved from a plurality of compressed data (col. 2, lines 1-6).

Funamoto, in the same field of endeavor, teaches:

- normalizing for correcting fluctuation of said image data in reading prior to compression of said image data of said image to perform setup of said image data to achieve a predetermined reference value of the compressed image data (Fig. 1: normalization 48 is performed for correcting fluctuation of image data prior to

compression by coding section 54; and col. 5, lines 65-57, teaching selecting a normalization factor Q allowing the actual quantity of compressed image 32 to satisfy a target quantity E_c (i.e., the predetermined reference value of the compressed image data)), wherein the compressed image data produced does not exceed the target quantity (col. 12, lines 21-25); in other words, the volume data used in data retrieval would be reduced so that it does not exceed the target quantity.

Therefore, it would have been obvious to perform normalization in Takahashi as taught by Funamoto in order to reduce the volume data used in data retrieval when desired data to be retrieved from a plurality of compressed data.

Regarding claim 4, Takahashi teaches:

- wherein said storage device stores said compressed image data and information of the image under a correspondence therebetween (Fig. 1: main image file D4 storing compressed image data outputted from compression processing unit 15 and information outputted from keyword application unit 18 under a correspondence therebetween).

Regarding claim 5, Takahashi teaches:

- wherein said information of a correspondence image is read from said data base in accordance with a result retrieved by said retrieval device (Fig. 1: information of a correspondence image is read from said data base D4 in accordance with a result retrieved by said retrieval device 12).

Regarding claim 7, Takahashi teaches:

- compressed image data comprises spatial coefficients of a luminance signal and a color difference signal (col. 8, lines 31-35).

Regarding claim 8, Takahashi teaches:

- comparing the spatial coefficients of the luminance signal up to a specified order with each other to select objects to be retrieved (col. 7, lines 43-49), and thereby comparing the spatial coefficients of the color difference signal of the thus selected objects to be retrieved to another specified order with each other, and retrieval by comparing the spatial coefficients of the luminance signal up to a higher order than the previously specified order with each other (col. 11, lines 28-42).

Regarding claim 9, Takahashi teaches wherein said retrieval device performs priority ranking of said compressed image data to be candidate (col. 11, lines 11-20).

Regarding claim 10, Takahashi teaches:

- after said compressed image data is extended, one or more images are represented as visible images in accordance with the result of said priority ranking (Fig. 5 shows the visible images and Fig. 6 shows retrieval result after expanding the compressed image).

Regarding claim 12, Takahashi discloses:

- an image processing device for subjecting image or image data thereof to image processing (Fig. 1: scanner 21 and image input);

- a setting device for setting said image processing which said image processing device performs in accordance with image or image data thereof (Fig. 1: keyword application unit 18 or compression processing unit 15);

- a storage device for storing compressed image data (Fig. 1: main image file D4);

- a retrieval device for retrieving said image while said compressed image data is in a compressed state (Fig. 1: search unit 12);

- a compression device for compressing image data to produce said compressed image data (Fig. 1: compression processing unit 15).

Takahashi does not specifically teach normalization of the image data prior to compression of said image data. One skilled in the art would have clearly recognized that the Takahashi system is to reduce the volume data used in data retrieval when desired data to be retrieved from a plurality of compressed data (col. 2, lines 1-6).

Funamoto, in the same field of endeavor, teaches:

- normalizing for correcting fluctuation of said image data in reading prior to compression of said image data of said image to perform setup of said image data to achieve a predetermined reference value of the compressed image data (Fig. 1: normalization 48 is performed for correcting fluctuation of image data prior to compression by coding section 54; and col. 5, lines 65-57, teaching selecting a normalization factor Q allowing the actual quantity of compressed image 32 to satisfy a target quantity E_c (i.e., the predetermined reference value of the compressed image data)), wherein the compressed image data produced does not exceed the target quantity (col. 12, lines 21-25); in other words, the volume data used in data retrieval would be reduced so that it does not exceed the target quantity.

Therefore, it would have been obvious to perform normalization in Takahashi as taught by Funamoto in order to reduce the volume data used in data retrieval when desired data to be retrieved from a plurality of compressed data.

Regarding claim 13, Takahashi teaches:

- when said information of the image processing corresponding to said image retrieved by said retrieval device is read out in accordance with an instruction for

reprocessing said image or image data thereof, said setting device reproduces said image processing to which said image or said image data thereof has previously been subjected using the thus read information of said image processing (col. 5, lines 7-22).

4. Claims 11, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (U.S. Patent No. 5,940,824) in view of Funamoto et al. (U.S. Patent No. 5,911,006) and Otto (U.S. Patent No. 6,244,514).

Regarding claim 11, although Takahashi and Funamoto teach the claimed subject matters as discussed in claims 1 and 4 above, they do not teach the information is at least one of image data of the image of interest and information of image processing to which the image of interest is subjected.

One skilled in the art would have clearly recognized that in the Takahashi system, the data volume could be reduced in data retrieval (col. 2, lines 1-6).

Otto, in the same field of endeavor, teaches:

- said information is at least one of image data of the image of interest and information of image processing to which the image of interest is subjected (col. 7, lines 47-53), wherein the number of bits is reduced (col. 9, lines 37-38).

Therefore, it would have been obvious to define the information is at least one of image data of the image of interest and information of image processing to which the image of interest is subjected image data in Takahashi and Funamoto as taught by Otto in order to reduce the data volume in the data retrieval.

Regarding claims 17 and 18, Otto teaches wherein said normalization is

performed so that the averages of the compressed image data become equal to each other (col. 9, lines 10-18, teaches the mean is equal to the pixel values of the image data). The motivation is set forth in claim 11 above.

Allowable Subject Matter

5. Claims 2, 14, 15, 16, 19-26 are allowed.
6. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding independent claims 15 and 16 and dependent claim 6, the prior art, either taken singly or in combination, does not teach:

- wherein said retrieval device performs retrieval of said image using said compressed image data after said compressed image data of said split images in regions which are in point symmetry relation with each other about the center of said image are added.

Regarding claims 2 and 14, since these claims depend upon claims 15 and 16 respectively, they are also allowable for the same reason.

Regarding independent claims 19 and 23, the prior art, either taken singly or in combination, does not teach:

- wherein said fluctuation of said image data is due to at least one of... a digital camera.

Regarding claims 20-22 and 24-26, since these claims depend upon claims 19 and 23 respectively, they are also allowable for the same reason.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH H. DO whose telephone number is 571-272-7433. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW BELLA can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 9, 2006

A handwritten signature in black ink, appearing to read 'Anh Hong Do', with a long, sweeping horizontal line extending to the right.

ANH HONG DO
PRIMARY EXAMINER